

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action of May 29, 2007, the Examiner rejected claims 9-13, under 35 U.S.C. §112, ¶2, as allegedly being indefinite; rejected claim 1, under 35 U.S.C. §102(b), as allegedly being anticipated by Daniels '044 (U.S. Patent Pub. No. 2002-0100044); rejected claims 7-14, under 35 U.S.C. §102(e), as allegedly being anticipated by Kaizu '989 (U.S. Patent Pub. No. 2004-0015989); and rejected claims 2-6, under 35 U.S.C. §103(a), as allegedly being unpatentable over Daniels '044 in view of Kaizu '989. The Examiner also objected to claims 2-6 and 8-13 for containing minor informalities.

By this Amendment, claims 1 and 3-6 have been amended to provide a clearer presentation of the claimed subject matter, claims 2 and 7-14 have been cancelled, and new claims 15-16 have been added. Applicant submits that no new matter has been introduced. As such, claims 1, 3-6, and 15-16 are currently presented for examination, of which claims 1 and 15-16 are independent.

Applicants note that the claim changes and cancellations have rendered the objections of claims 2 and 8-13, the §112, ¶2 rejections of claims 9-13, and the §102(e) rejections of claims 7-14 moot. Accordingly, the immediate withdrawal of these objections and rejections is respectfully requested.

In so far as the rejections under §102(b) and §103(a) are still deemed relevant in view of the claim changes, Applicants traverse these rejections for the following reasons:

I. Rejections of Claims 1, 3-6, and 15-16.

As noted above, independent claims 1 is directed to an information recording and playback apparatus and positively recites, *inter alia*, a communications control section which *sets operation information based on an instruction supplied directly from a user in a mail format that is transmitted from the outside*, the operation information including an operation starting time, an operation ending time, *an indicated channel number or a designated recording source, an indicated image quality, and an indicated sound quality*. These

features are amply supported by the various embodiments disclosed in the written description. (*See, e.g.*, Specification: page 13, line 21- page 14, line 12).

Applicants respectfully submit that, despite the Examiner's contentions, the asserted references fail to teach or suggest each and every element of the claims, including the features identified above. In particular, the Examiner acknowledged that Daniels '044 fails to disclose that the information corresponding to the operation starting time and operation ending time is in the form of mail. The Examiner then relied on Kaizu '989 as allegedly disclosing such features. (*See*, Office Action: page 7). Applicants respectfully disagree.

Kaizu '989 specifically teaches that the recording reservation data for unattended recording is based on a TVPI (Television Program-Info) file format. An EPG (Electronic Program Guide) server 10 sends an e-mail to personal computer 11 that writes to the HDD 141 of the apparatus to record reservation data attached to the received e-mail and makes an unattended recording reservation based on the received recording reservation data. When the recording reservation is completed, the personal computer 11 then sends a message (e-mail) announcing the completion to the camera-equipped digital mobile telephone. (*See*, Kaizu '989: par. [0200] – [0201]).

As such, Kaizu '989 merely discloses the e-mail transfer of the EPG-based reservation data from the EPG server 10 to the apparatus. There is, however, nothing in Kaizu '989 that remotely suggests the setting of operation information is *based on an instruction supplied directly from a user in a mail format that is transmitted from the outside*, as required by claim 1.

Moreover, neither Kaizu '989 nor Daniels '044 teach or suggest that the operation information includes, *inter alia*, *an indicated channel number or a designated recording source, an indicated image quality, and an indicated sound quality*, as also required by claim 1.

For at least these reasons, Applicants submit that Kaizu '989 and Daniels '044 are incapable of anticipating or rendering claim 1 unpatentable. As such, claim 1 is clearly patentable. And, because claims 3-6 depend from claim 1, claims 3-6 are patentable at least by virtue of dependency as well as for their additional recitations.

Moreover, new claims 15 and 16 recite patentable features similar to claim 1. As such, claims 15 and 16 are patentable at least for the reasons presented relative to claim 1. Accordingly, the immediate withdrawal of the rejections of claims 1, 3-6, and 15-16 is respectfully requested.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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